



1           Additionally, for the reasons stated in the Report and Recommendation, the  
2 Court finds that Petitioner has not made a substantial showing of the denial of a  
3 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*  
4 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate  
5 of appealability.

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8 DATED: November 15, 2011

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HON. OTIS D. WRIGHT, II  
UNITED STATES DISTRICT JUDGE